IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	Case No. 2:12CR00009-007
	)	
v.	)	**OPINION AND ORDER**
	)	
JEFFREY SCOTT BREWINGTON, JR.,	)	By: James P. Jones
	)	United States District Judge
	)	
Defendant.	)	

Jeffrey Scott Brewington, Jr., Pro Se Defendant.

The defendant has filed a motion to reduce sentence pursuant to the First Step Act of 2018, Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5220 (2018) ("2018 FSA" or "Act"), which made retroactive certain provisions of the Fair Sentencing Act of 2010, Pub. L. No. 111-220, § 2, 124 Stat. 2372, 2372 (2010) ("2010 FSA"). I find the defendant ineligible for relief and I will deny the motion.

Section 2 of the 2010 FSA reduced the penalties for offenses involving cocaine base (crack cocaine) by increasing the threshold drug quantities required to trigger mandatory minimum sentences under 21 U.S.C. § 841(b)(1).

The defendant was indicted in this court on March 21, 2012, and charged with, among other things, conspiring to possess with the intent to distribute and to distribute 500 grams or more of cocaine, methamphetamine, OxyContin or its

equivalents, Percocet, Roxicet or its equivalents, Lortab or its equivalents, and Xanax or its equivalents in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846 (Count One), and possessing a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c) (Count Nine).

The defendant pleaded guilty to Counts One and Nine pursuant to a written plea agreement. On October 22, 2012, the defendant was sentenced to a term of 120 months of imprisonment to be followed by a five-year period of supervised release.

Because the offenses to which the defendant pleaded guilty did not involve cocaine base, neither the 2010 FSA nor the 2018 FSA implicate his sentence.

Accordingly, it is hereby **ORDERED** that the Motion to Reduce Sentence, ECF No. 259, is DENIED.

ENTER: April 29, 2019

/s/ *James P. Jones*
United States District Judge